

WILMER CUTLER PICKERING  
HALE AND DORR LLP

December 12, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Josh L. Roland

2445 M STREET NW  
WASHINGTON, DC 20037  
+1 202 663 6266  
+1 202 663 6363 fax  
josh.roland@wilmerhale.com

**Re: *Ex Parte* Notice in IB Docket No. 02-364 and  
IB File No. SAT-MOD-20050301-00054**

Dear Ms. Dortch:

On December 9, 2005, the undersigned, Counsel to Globalstar LLC, and William F. Adler, Globalstar's General Counsel, met with Barry Ohlson, senior legal advisor to Commissioner Jonathan Adelstein. The purpose of the meeting was to discuss Globalstar's comments filed in IB Docket No. 02-364, as well as Globalstar's pending application for ancillary terrestrial authority ("ATC"). The handout distributed at the meeting is attached to this letter.

Pursuant to Sections 1.49(f) and 1.1206(b) of the Commission's rules, this letter has been filed by hand and through the Commission's electronic comment filing system.

Respectfully Submitted,



Josh L. Roland  
Counsel to Globalstar LLC

cc: Barry Ohlson  
William F. Adler

# Globalstar LLC

December 9, 2005



# Globalstar Background

- The 1.6/2.4 GHz MSS spectrum is licensed to Globalstar and Iridium for operating low earth orbit (LEO) MSS systems
- Globalstar provides voice and data communications using its constellation of 40 satellites
- Globalstar has been providing service for more than 5 years and has successfully marketed its service to a number of niche markets, including: emergency response providers, commercial and pleasure ship companies, private aviation
- In the wake of Hurricanes Katrina and Rita, Globalstar's system remained operational, highlighting the importance of MSS
- In March, Globalstar applied for ancillary terrestrial component (ATC) authority -- ATC will greatly enhance Globalstar service



## The Big LEO MSS Band



- Globalstar operates its CDMA MSS system at 1610-1621.35 MHz (Uplink)(L-band) and 2483.5-2500 MHz (Downlink)(S-band)
- Iridium operates its TDMA MSS system at 1621.35-1626.5 (Bidirectional)
- CDMA MSS systems were assigned more spectrum because use of the assigned CDMA spectrum is limited by the need to accommodate:
  - GPS/GLONASS
  - Radio-Astronomy
  - FAA and RTCA regulations
  - Industrial-Scientific-Medical devices
  - Fixed terrestrial services
- Globalstar is fully using its assigned spectrum



## The Big LEO MSS Band (cont.)

- In 2004, the Commission required Globalstar to share a segment of its assigned spectrum with Iridium in the L-band (1618-1621.35 MHz)
  - The decision ignored Globalstar's unrebutted technical showings that CDMA and TDMA systems cannot effectively "share" spectrum
  - There is no evidence that Iridium is fully using the "shared" spectrum
  - Iridium has not approached Globalstar to seek a formal sharing agreement
- Limited arrangements to share spectrum on an as-needed, basis can effectively meet any of Iridium's temporary capacity needs



## Pending Matters Will Affect Globalstar's Prospects for Long Term Success - Big LEO L-Band

- Now the Commission is considering requiring Globalstar to share *even more* L-band spectrum (IB Docket 02-364)
- Globalstar cannot afford further erosion of its spectrum allocation
  - Globalstar's business continues to grow and rely more on its spectrum
    - Restricting spectrum at this time might restrict Globalstar's potential
  - In order to share with Radio Astronomy, Globalstar requires spectrum above 1615
    - Globalstar users within 100 km of a Radio Astronomy site cannot use frequencies below 1615
  - Globalstar requires spectrum above 1616 to provide its aviation services
  - U.S. government agencies want priority restoration service which cannot be provided in shared spectrum
  - Globalstar and business partners are innovating rapidly - new products not based on standard phone require discrete blocks of spectrum
  - Further erosion of spectrum impairs Globalstar's ability to provide ATC services



## **Pending Matters Will Affect Globalstar's Prospects for Long Term Success - Big LEO L-Band (cont.)**

- Iridium has more spectrum than it needs to grow its system
- Globalstar presented un rebutted evidence in IB Docket No. 02-364 that Iridium's capacity limitations are the result of design or operational shortcomings, not a spectrum shortage
  - The public interest does not warrant handicapping Globalstar to cure Iridium's technical problem
- Iridium's inability to allocate and use spectrum nationally or regionally, acknowledged only in 2003, contributes to the inefficient use of its spectrum globally
- A formal sharing agreement for the 1618.25-1621.35 MHz band segment is unlikely absent FCC mandate
  - Iridium told Globalstar that Iridium was not interested in creating a formal sharing agreement in the summer of 2003

